



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 28, 1998

Ms. Donna Garcia Davidson  
Assistant General Counsel  
Office of the Governor  
P.O. Box 12428  
Austin, Texas 78711

OR98-1315

Dear Ms. Davidson:

You have asked this office whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 115313.

The Office of the Governor received a request for "all information available about special drug courts that have operated or are now operating for the last five years in Travis County." Responsive information was provided to the requestor, but you assert that some of the responsive documents are excepted from disclosure under section 552.111 of the Government Code.<sup>1</sup> You submitted to this office for review documents that are marked to show the portions you believe are protected from disclosure under section 552.111.

Section 552.111 excepts from disclosure interagency or intraagency communications consisting of advice, recommendations, opinions, and other material reflecting the deliberative or policymaking processes of the governmental body. *See Texas Dep't of Public Safety v. Gilbreath*, 842 S.W.2d 408 (Tex. App.--Austin 1992, no writ); Open Records Decision No. 615 (1993) at 5. Section 552.111 also excepts from required public disclosure preliminary drafts of documents related to policymaking matters, since drafts represent the advice, opinion, and recommendation of the drafter as to the form and content of the final documents. *See* Open Records Decision No. 559 (1990). However, section 552.111 does not except from disclosure purely factual information.

We have reviewed the submitted documents and agree that they relate to policymaking matters. You assert that a draft memorandum is excepted from disclosure in

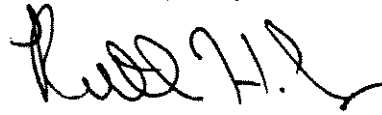
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<sup>1</sup>We note that you also initially asserted that section 552.101 is applicable, but made no argument concerning the applicability of section 552.101 to the records at issue.

its entirety, and note that the final memorandum was released to the requestor. We agree that the draft memorandum may be withheld in its entirety under section 552.111. You also submitted several documents that are redacted to withhold information you assert is advice, opinion, or recommendation. We agree that the marked portions of the documents are protected from disclosure under section 552.111.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref.: ID# 115313

Enclosures: Marked documents

cc: Mr. Mack Wallace  
Greater Austin Crime Commission  
P.O. Box 27016  
Austin, Texas 78755  
(w/o enclosures)